

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

CIVIL ACTION  
DOCKET NO.: 19-cv-00254-DBH

---

U.S. BANK NATIONAL  
ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY BUT  
SOLELY AS TRUSTEE FOR THE  
RMTP TRUST, SERIES 2019-C  
**PLAINTIFF**

v.

EARLE J. FAULKINGHAM,  
PERSONAL REPRESENTATIVE AND  
HEIR TO THE ESTATE OF RUTH M.  
FAULKINGHAM;  
TERESA POTTER, SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF RUTH M. FAULKINGHAM  
**DEFENDANTS**

**JUDGMENT OF FORECLOSURE  
AND SALE**  
**Title to Real Estate is Involved**  
**PROPERTY ADDRESS: 1720 Mason Bay**  
**Road, Jonesport, ME 04649**  
**MORTGAGE RECORDED IN**  
**WASHINGTON COUNTY**  
**REGISTRY OF DEEDS IN BOOK 3073**  
**PAGE 59**

---

THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK, AS  
SUCCESSOR TO JP MORGAN CHASE  
BANK N.A. AS INDENTURE  
TRUSTEE, ON BEHALF OF THE  
HOLDERS OF THE TERWIN  
MORTGAGE TRUST 2006-4SL;  
TRUDY ALLEY;  
VALERIE FAULKINGHAM;  
STATE OF MAINE, DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES;  
NATION ONE MORTGAGE  
COMPANY, INC.  
**PARTIES-IN-INTEREST**

---

This matter came before the Court on Plaintiff's Motion for Default Judgment of Foreclosure and Sale on Documentary Evidence, pursuant to this Court's (general) Foreclosure

Procedural Order Authorizing Plaintiff to Seek a Default Judgment on Documentary Evidence, entered on or after March 31, 2020. This Court finds as follows:

1. That the conditions of Plaintiff's mortgage dated October 25, 2005, (the "Mortgage") and recorded in the Washington County Registry of Deeds in Book 3073 at Page 59, has been breached by a failure to make payments on the promissory Note (the "Note"), executed of even date and secured by said Mortgage.
2. As of May 27, 2020, the total amount due under the terms of said Note and Mortgage is \$139,183.55.

Pursuant to 14 M.R.S.A. §§ 1602-B and 1602-C, the prejudgment interest rate is 7.5% per annum of said principal balance and the post-judgment interest rate is 8.59% per annum (the higher of the rate under the Note or the statutory rate).

Plaintiff is awarded attorney fees set forth as follows: Plaintiff's attorney fees in the gross amount as stated below, which includes amounts already paid and included in the total amount due, plus the balance due of \$3,375.00, as stated below:

Total attorneys' fees through Judgment	\$7,211.25
Less fees already paid to attorney	<u>\$3,836.25</u>
Net unpaid attorney fees as of current date	\$3,375.00

Plaintiff is entitled to add any additional amounts advanced by Plaintiff to protect its mortgage security after the date hereof.

3. The order of priority of the claims of the parties who have appeared in this action is as follows:

<u>First:</u>	Plaintiff U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMTP Trust, Series 2019-C
<u>Second:</u>	Defendant Theresa Potter, as Representative for Party-in-Interest, State of Maine, Department of Health and Human Services
<u>Third:</u>	Earle J. Faulkingham, as Personal Representative of and Heir to the Estate of Ruth M. Faulkingham

No other parties appeared and there are no public utility easements of record.

4. Pursuant to 14 M.R.S.A. § 6323 the proceeds of a foreclosure sale in this case shall be disbursed, after deducting expenses thereof, according to the following order of priority:  
1) Plaintiff, U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMTP Trust, Series 2019-C in the amount of \$139,183.55 (the amount due under the note and mortgage as of May 27, 2020), plus outstanding attorneys' fees of

\$3,375.00, plus accrued interest at the rate of 7.5%<sup>1</sup> per annum, and additional attorneys' fees, costs, and interest; 2) Defendant Theresa Potter, as Representative for Party-in-Interest, State of Maine, Department of Health and Human Services, in the amount of \$137,971.16, as set forth in the Affidavit of Theresa Potter, on behalf of Party-in-Interest State of Maine, Department of Health and Human Services filed with this Court on February 13, 2020; and 3) Earle J. Faulkingham, Personal Representative of and Heir to the Estate of Ruth M. Faulkingham, in the amount of any surplus.

**WHEREFORE**, it is hereby ordered and decreed that if the Defendant does not pay the Plaintiff the amount due, together with accrued interest and late charges as set forth above, within ninety (90) days of the date hereof, Plaintiff shall sell the mortgaged real estate pursuant to 14 M.R.S.A. §6321 et seq. and disburse the proceeds of said sale after deducting the expenses thereof, in the amounts and priorities as determined above. The surplus, if any, shall be deposited with the Clerk for the benefit of the Defendant in accordance with the statute.

Plaintiff is granted exclusive possession of the real estate mortgaged to it upon expiration of the statutory ninety (90) day redemption period. A Writ of Possession shall be issued to Plaintiff for possession of said real estate if it is not redeemed, as aforesaid.

Defendant Earle J. Faulkingham, Personal Representative of and Heir to the Estate of Ruth M. Faulkingham is not liable for any deficiency balance remaining due to Plaintiff after the sale of the mortgaged real estate and application of the proceeds of sale.

The following provisions are set forth pursuant to 14 M.R.S.A. §2401:

1. The names and addresses, if known, of all parties to the action, including the counsel of record, are set forth in **Schedule A** attached hereto
2. The docket number is 19-cv-00254-DBH
3. All parties have received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure. Such notice was not given pursuant to an order of court.
4. The street address and a description of the real estate involved is set forth in **Schedule B** attached hereto.
6. The Plaintiff is responsible for recording the attested copy of the judgment and for paying the appropriate recording fees.
7. The Clerk shall sign a certification after the appeal period has expired, certifying that the applicable appeal period has expired without action or that the final judgment has been entered following appeal.

---

<sup>1</sup> The 7.5% interest rate is that which applies pre-judgment; the post-judgment interest rate is the greater of 7.5% or the then-existing statutory rate. 14 M.R.S.A. §1602-B; 14 M.R.S.A. §1602-C.

DATED: June 3, 2020

/s/ D. Brock Hornby  
D. Brock Hornby  
U.S. District Court Judge

Seen and agreed to June 3, 2020 (addresses on Schedule A below):

Part-in-interest, State of Maine, Department  
Of Health & Human Services  
By its Attorney

Defendant, Theresa Potter

/S/ Kevin J. Crosman  
Kevin J. Crosman, Esq.  
Bar No.: 42789

/S/ Kevin J. Crosman  
Kevin J. Crosman, Esq.  
Bar No.: 42789

Seen and agreed:

Plaintiff,  
By its Attorney

/S/ Sonia J. Buck  
Sonia J. Buck, Esq.  
Bar No.: 9847

**SCHEDULE A**

Party: U.S. Bank National Association, not in its individual capacity but solely as trustee  
for the RMTP Trust, Series 2019-C  
c/o Rushmore Loan Management Services, LLC  
15480 Laguna Canyon Rd Ste 100  
Irvine, CA 92618

Counsel: Sonia J. Buck, Esq.  
Brock & Scott, PLLC  
1080 Main Street, Suite 200  
Pawtucket, RI 02860  
Attorneys for Plaintiff

Defendant: Earle J. Faulkingham, Personal Representative and Heir to the Estate of Ruth M.  
Faulkingham  
1720 Mason Bay Road  
Jonesport, ME 04649  
(unrepresented)

Defendant: Theresa Potter  
c/o Department of Health & Human Services  
242 State House Station  
Augusta, ME 04333-0101

Counsel: Kevin J. Crosman, Esq.  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006

Parties-in-Interest:

Trudy Alley  
P.O. Box 476  
Jonesport, ME 04649  
(unrepresented)

Valerie Faulkingham  
22 Feeney Street  
Jonesport, ME 04649  
(unrepresented)

Bank of New York Mellon  
1901 E. Voorhees Street, Suite C  
Danville, IL 61834  
(unrepresented)

Nation One Mortgage Company, Inc.  
c/o Corporation Services Company  
45 Memorial Circle  
Augusta, ME 04330  
(unrepresented)

State of Maine, Department of Health & Human Services  
242 State House Station  
Augusta, ME 04333-0101

Counsel: Kevin J. Crosman, Esq.  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006

**SCHEDULE B**

PROPERTY ADDRESS: 1720 Mason Bay Road, Jonesport, ME 04649

Two certain lots or parcels of land, together with the buildings thereon, situated in the Mason's Bay District of Jonesport, County of Washington, State of Maine, bounded and described as follows, to wit:

FIRST LOT: Beginning at the iron pipe on the westerly side of State Route #187 which marks the northeasterly corner of the first lot described in the deed from Frances Sue Graf and John D. Graf to Frances Sue Graf and John D Graf, dated December 29, 1978 and recorded in Book 1043 Page 76 of the Washington County Registry of Deeds; and thence following the northerly boundary of the first lot conveyed in the aforesaid deed recorded in Book 1043 Page 76 of said Registry on a bearing of North 82° 50' West a distance of Two hundred sixty-three (263) feet, more or less, to the iron pipe which marks the northwesterly boundary of the first lot conveyed in the aforesaid deed recorded in Book 1043 Page 76 of said Registry; thence turning at right angles South 7° 10' West a distance of Two hundred seven (207) feet, more or less, to the iron pipe which marks the southwesterly corner of the first lot conveyed in the aforesaid deed recorded in Book 1043 Page 76 of said Registry; thence continuing on said bearing of South 7° 10' West to the centerline of Indian River Road; thence following the centerline of the Indian River Road One hundred twenty-two (122) feet, more or less, to an unmarked point which is on a bearing of South 5° 40' West from an iron pipe located on the northerly sideline of said road; thence North 5° 40' East to said iron pipe; thence continuing on the same bearing of North 5° 40' East following the boundary line of land between land now or formerly of Frances Sue Graf and John D Graf, and land now or formerly of M. Whitney, Three hundred fifty-eight (358) feet to a point on said boundary line; thence turning South 84° 40' East following the southerly boundary line of the SECOND LOT herein conveyed (being the third lot described in the aforesaid deed recorded in Book 1043 Page 76 of the Washington County Registry of Deeds) to an unmarked point at the centerline of State Route #187; thence following said centerline in a southerly direction or southwesterly direction One Hundred fifty-five (155) feet, more or less, to an unmarked point which is on a bearing of South 82° 50' East from the iron pipe marking the point of beginning; thence North 82° 50' West to said iron pipe and the point of beginning.

Excepting, however, the rights of the public in and to the public rights of way known as the Indian River Road and State Route #187.

SECOND LOT: Beginning at a point which marks the northwesterly corner of the FIRST LOT herein on the boundary line between land now or formerly of John D. Graf and Frances Sue Graf and land now or formerly of M. Whitney; thence South  $84^{\circ} 40'$  E following the northerly line of the SECOND LOT herein to the centerline of Route #187 aforesaid; thence following the centerline of said road in a northerly or northeasterly direction One hundred ninety (190) feet, more or less, to an unmarked point on said centerline which is on the bearing of South  $84^{\circ} 40'$  E from a wood post on the westerly sideline of said Route #187 which marks the northeasterly corner of land now or formerly of said Graf; thence turning North  $84^{\circ} 40'$  W to said wood post; thence continuing North  $84^{\circ} 40'$  W Five hundred twenty-two (522) feet, more or less, to an iron pipe which marks the northwesterly corner of land now or formerly of said Graf; thence turning South  $5^{\circ} 40'$  W along the boundary line of land now or formerly of Graf and land now or formerly of Mr. Whitney One hundred seventy-six (176) feet, more or less, to the point which marks the place of beginning.

Subject, however, to the rights of the public in and to the public right of way known as State Route #187.

Being the same premises as described in the deed from Roland Vertefeuille and Nancy Vertefeuille to the Mortgagor herein of substantially even date to be recorded in the Washington County Registry of Deeds.